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10 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11
12 THOMAS RICHEY,

13 Plaintiff,

14 v.

15 WILLIAM LANE,

16 Defendant.

CASE NO. C09-5195FDB

ORDER ON DEFENDANT'S
MOTION TO STAY
DISCOVERY

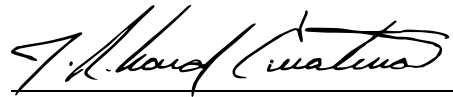
17 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned
18 Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrate
19 Judges' Rules MJR 1, MJR 3, and MJR 4. Before the Court is Defendant's Motion to Stay
20 Discovery, (Dkt. # 5).

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22 The motion to stay discovery is contained in a pending Motion to Dismiss. Staying
23 discovery does not require the Magistrate Judge to issue a Report and Recommendation because
24 the issue is not dispositive of the case.

25 Defendant Lane has raised the affirmative defense of qualified immunity (Dkt. # 5,
26 motion to dismiss, page 2). A District Court has wide discretion in staying discovery when

1 qualified immunity is a defense. Little v City of Seattle, 863 F.2d 681 (9th Cir. 1988). There is
2 a body of law indicating that stay of discovery is proper while the issue of qualified immunity is
3 pending. Di Martini v. Ferrin, 889 F.2d 922 (9th Cir. 1989); Pelletier v. Federal Home Loan
4 Bank of San Francisco, 968 F.2d 865 (9th Cir. 1992). Defendant's motion to stay discovery is
5 GRANTED.

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7 DATED this 1st day of June, 2009.

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10 J. Richard Creatura
11 United States Magistrate Judge
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